

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

ACUMENT GLOBAL TECHNOLOGIES,
INC.,

Plaintiff,

v.

MALLINCKRODT ARD, LLC., et al.,

Defendants.

No. 2:21-cv-2024

**NOTICE OF ORDER BY JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
DENYING MOTION FOR TRANSFER OF ACTIONS PURSUANT TO 28 U.S.C. § 1407**

On January 28, 2021, Defendants Mallinckrodt ARD LLC (fka Mallinckrodt ARD Inc.) and Mallinckrodt plc (collectively, “Mallinckrodt”) filed a Motion to Transfer this action, pursuant to 28 U.S.C. §§ 1412 or 1404, to the District of Delaware, where Mallinckrodt’s chapter 11 cases are pending in the Delaware Bankruptcy Court. Dkt. No. 7. On March 16, 2021, Plaintiff filed a Notice that it had filed with the Judicial Panel on Multidistrict Litigation a Motion to Transfer this matter, along with other matters, pursuant to the 28 U.S.C. § 1407. Dkt. No. 17. Plaintiff also filed a Motion to Stay the Court’s ruling on Mallinckrodt’s Motion to Transfer to the District of Delaware pending a ruling from the JPML. Dkt. No. 18. On June 7, 2021, the JPML issued a ruling denying Plaintiff’s Motion to Transfer to the JPML on the grounds that there is “uncertainty about the timing and outcome of related bankruptcy proceedings” and that “there are motions for transfer under 28 U.S.C. §§ 1412 or 1404 pending” in several actions. *See Order Denying Transfer in MDL No. 2999* (attached hereto as Exhibit A). The Court further stated: “[s]hould centralization appear to be necessary once the bankruptcy stay is lifted, ‘the parties may file

another Section 1407 motion, and the Panel will revisit the question of centralization at that time.””

Id. (quoting *In re Gerber Probiotic Prods. Mktg. & Sales Practices Litig.*, 899 F. Supp. 2d 1378, 1381 (J.P.M.L. 2012)).

Dated: June 8, 2021

Respectfully Submitted,

/s/ Daniel W. Van Horn

Daniel W. Van Horn (#18940)
Diana M. Comes (#30112)
Kathryn K. Van Namen (#31322)
BUTLER SNOW LLP
6075 Poplar Avenue, 5th Floor
Memphis, TN 38119
T: (901) 680-7200
F: (901) 680-7201
Danny.VanHorn@butlersnow.com
Diana.Cornes@butlersnow.com
Kate.VanNamen@butlersnow.com

Matthew M. Wolf*
Lauren S. Shores*
Sonia K. Pfaffenroth*
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Avenue, NW
Washington, DC 20001
T: (202) 942-5000
F: (202) 942-5999
matthew.wolf@arnoldporter.com
laura.shores@arnoldporter.com
sonia.pfaffenroth@aronldporter.com

D. Eric Shapland*
ARNOLD & PORTER KAYE SCHOLER LLP
777 South Figueroa Street, 44th Floor
Los Angeles, CA 90017-5844
T: (213) 243-4000
F: (213) 243-4199
eric.shapland@arnoldporter.com

*Attorneys for Defendants Mallinckrodt ARD LLC and
Mallinckrodt plc*

* Denotes national counsel who will seek *pro hac vice* admission

CERTIFICATE OF SERVICE

I, Daniel W. Van Horn, attorney for Defendant Mallinckrodt ARD LLC and Mallinckrodt plc, certify that a true and correct copy of Mallinckrodt ARD LLC's and Mallinckrodt plc's Notice of Order by Judicial Panel on Multidistrict Litigation Denying Motion for transfer of Actions Pursuant to 28 U.S.C. § 1407 has been sent via e-mail and/or ECF on June 8, 2021, to the following:

Patrick M. Ardis, Esq. Daniel V. Parish, Esq. WOLF ARDIS, P.C. 5810 Summer Oaks Drive Memphis, Tennessee 38134 pardis@wolfardis.com cchockley@wolfardis.com dparish@wolfardis.com	William D. Dillon, Esq. TAYLOR ENGLISH DUMA, LLC 1600 Parkwood Circle, SE Suite 200 Atlanta, GA 30339 dbrown@taylorenglish.com
Donald E. Haviland, Jr., Esq. William H. Platt II, Esq. HAVILAND HUGHES 201 S. Maple Way, Suite 110 Ambler, PA 19002 haviland@havilandhuges.com platt@havilandhuges.com <i>Counsel for Plaintiff Acument Global Technologies, Inc.</i>	Kirk A. Caraway, Esq. ALLEN, SUMMERS, SIMPSON, LILLIE & GRESHAM, PLLC 80 Monroe Avenue, Suite 650 Memphis, TN 38103 kcaraway@allen summers.com <i>Counsel for Dr. Tumlin</i>

<p>Nathan A. Bicks, Esq. William D. Irvine, Jr., Esq. Lani D. Lester, Esq. BURCH, PORTER & JOHNSON, PLLC 130 North Court Avenue Memphis, TN 38103 nbicks@bpjlaw.com wirvine@bpjlaw.com llester@bpjlaw.com</p> <p><i>Counsel for Express Scripts Defendants</i></p>	<p>Eric C. Lyttle, Esq. Michael D. Bonanno, Esq. Ethan C. Glass, Esq. Meghan A. McCaffrey, Esq. Michael Lyle, Esq. Quinn Emanuel Urquhart & Sullivan, LLP 1300 I Street, NW Washington, D.C. 20005 ericlyttle@quinnmanuel.com</p> <p><i>Counsel for Express Scripts Defendants</i></p>
--	--

/s/ Daniel W. Van Horn
 Daniel W. Van Horn